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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,251	12/12/2003	Thomas M. Fischer	12587-0040001	8670
26212 7590 04/15/2010 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER DONLON, RYAN D	
			ART UNIT 3695	PAPER NUMBER
			NOTIFICATION DATE 04/15/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/733,251	<b>Applicant(s)</b> FISCHER ET AL.	
	<b>Examiner</b> RYAN D. DONLON	<b>Art Unit</b> 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 80 and 90-148 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80 and 90-148 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 80, 90-148 are pending and have been examined.

### ***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 80, 90-116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 80 is rejected because it is unclear how the two disparate elements of the system (i.e. a unified database and a functional layer) are joined into one system. Further is it unclear what are the structural metes and bounds of the phrase "functional layer" and the term "unified" in the phrase "unified database" (e.g. How is a unified database differentiated from a database).
4. Claim 96 is rejected because it is unclear what are the metes and bounds of the term "unified" in the phrase "unified desktop".
5. Claims 90, 95-97, 102-103, 117, 123 and 130-131 are rejected because it is unclear what are the metes and bounds of the terms "manage" or "managing".
6. Claim 99 is rejected because it is unclear what is intended by the term "scripts" for example, some applications provide scripts of dialog for communicating with callers,

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some applications provide scripts of uncompiled computer code for performing tasks using script interpreters.

7. Claim 117 is rejected because it is unclear what are the metes and bounds of “electronically providing”. This could mean that a user provides a diskette, or that a signal is being sent, or this could mean that a server is hosting, etc. A similar rationale of rejection is raised with the phrase “electronically accessing”, “electronically storing” and “electronically evaluating”. The metes and bounds of “providing” are also not clear. This could mean hosting a website or merely handing off a diskette.

### ***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines. '); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').<sup>7</sup> A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that

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do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article.” (*In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008))

10. Also noted in *Bilski* is the statement, “Process claim that recites fundamental principle, and that otherwise fails ‘machine-or-transformation’ test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere ‘insignificant post-solution activity.’” (*In re Bilski*, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test. Please refer to the USPTO’s “Guidance for Examining Process Claims in view of *In re Bilski*” memorandum dated January 7, 2009,

[http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski\\_guidance\\_memo.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf) .

11. It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the

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claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals

Informative Opinion *Ex parte Langemyr et al.* (Appeal 2008-1495),

<http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf> .

12. Claims 80, 90-116 and 147 are rejected under 35 U.S.C. 101 because in the broadest reasonable interpretation of the claimed invention, the system is directed to merely software without the support of hardware to provide functionality and thus non-statutory. Therefore the claimed system consists only of non-statutory subject matter and therefore does not constitute a statutory process, machine, manufacture, or composition of matter.

13. Claims 117-146 are directed to merely human implemented claims *per se* and are therefore not tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing, thereby failing the machine-or-transformation test; therefore, claims 117-146 are non-statutory under § 101.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 80, 90-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono, US 2003/0225639 in view of GAO, "UNEMPLOYMENT INSURANCE Increased Focus on Program Integrity Could Reduce Billions in Overpayments" (hereinafter GAO) and Box, US 7194426 (hereinafter Box).

16. As per **claim 80** (Currently Amended):

Micciantuono teaches a system for handling unemployment insurance comprising:

a database containing unemployment insurance benefit data and a database containing unemployment insurance fee data, wherein the unemployment insurance benefit data comprises a benefit status of a claimant and the unemployment insurance fee data comprises an unemployment insurance fee payment status of an employer associated with the claimant (see at least paragraphs [0006] and [0020]-[0025]);

and a functional layer that is configured to:

receive information from the employer regarding employees of the employer (see at least paragraph [0021]-[0024]);

calculate an unemployment insurance fee due by the employer based on the received information from the employer (see at least [0024]);

receive a request for an unemployment insurance benefit by the claimant (see at least paragraphs [0014]-[0020]), and

evaluate the request for the unemployment insurance benefit by the claimant based on the benefit status of the claimant (see at least paragraph [0026])

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**Micciantuono does not teach** “unemployment insurance tax due to a federal or state government unemployment insurance agency”. **However, Micciantuono teaches** an unemployment insurance fee which is an obvious substitute to unemployment insurance tax. Further who the fee is due to does not limit the scope of the claim by imposing further limitations to the structure of the system; *arguendo*, this owing a fee (or tax) to a one party versus another is an obvious substitution. **Micciantuono does not teach** a unified database. **However Micciantuono teaches** rather two databases (see paragraph [0004]), further it is obvious to make these databases integral because the result would meet the understandings and expectations of the art (see *n re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) and *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698)

**Micciantuono does not teach** a system to:

receive an indication that the unemployment insurance tax due has been paid,  
access the unemployment insurance tax payment status of the employer stored  
in the unified database;

update the accessed unemployment insurance tax payment status of the  
employer based on the information received from the employer and to reflect payment  
of the unemployment insurance tax due,

store the updated unemployment insurance tax payment status in the unified  
database,

evaluating the request for the unemployment insurance benefit by the claimant  
based on the updated unemployment insurance tax payment status of the employer.



**However GAO teaches**

receive an indication that Wages have been paid (see at least see page 14),  
access the wage status of the employer stored in a database (see at least see page 14);

update the wage status of the employer based on the information received from the employer and to reflect payment of the wages (see at least page 15 paragraph 1),  
store the updated wages in a database (see at least page 14),  
evaluating the request for the unemployment insurance benefit by the claimant based on the updated wages status of the employer (see at least page 14).

**GAO does not teach** unemployment insurance tax payment status, **however GAO does teach** wage payment status. It would have been obvious to substitute unemployment insurance tax data for the wage payment data of GAO because the substitution of these well know elements would have had predictable results and would have been obvious to one of ordinary skill in the art at the time of the invention.

It would have been obvious to include in the system of for managing unemployment insurance benefit data taught by Micciantuono, the practice of identifying unemployment benefits as taught by GAO because this would have reduced overpayments of unemployment insurance benefits.

**Micciantuono and GAO do not, however Box teaches** communicate to the employer an notice requesting payment of an due by the company (see column 12 lines 56-57); Box does not state this notice is an invoice *per se* however it would have been obvious for this notice to be an invoice because an invoice is a particular type of notice

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which would allow for communicating to the customer an amount due and it would have been obvious to one of ordinary skill in the art to recognize the results as predictable.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Micciantuono, GAO and Box to obtain the invention as specified in claim 80.

17. As per **claim 90**:

Micciantuono teaches the system of claim 80, wherein the unified database further comprises a data manager configured to manage the unemployment insurance benefit data (see at least paragraphs [0006] and [0020]-[0025]);

18. Micciantuono does not teach unemployment insurance tax data, but it would have been obvious to include this data for at least the reasons provide in claim 80.

19. As per **claim 91**:

Micciantuono teaches the system of claim 80 further comprising an access channel configured to allow a user access to the unified database and to the functional layer (see at least paragraph [0011]).

20. As per **claim 92**:

The system of claim 91, wherein the access channel comprises a telephone contact center configured to receive telephone calls from a user (see at least paragraph

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[0011]).

21. As per **claim 93**:

Micciantuono does not teach the system of claim 91, wherein the access channel comprises a web self- service center configured to communicate with a user over a computer network.

22. However Official Notice is taken that web self-service centers are old and well known. For example using a web self-service center to perform banking is old and well known.

23. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment benefits of Micciantuono, the practice of providing a web self-service center because this would have provided users with hearing impairments to access the system. Further because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

24. As per **claim 94**:

Micciantuono does not teach the system of claim 91, wherein the access channel comprises an optical character recognition module configured to scan a paper document received from a user and convert information on the paper document to computer readable data.

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25. However Official Notice is taken that optical character recognition modules as claimed are old and well known. For example scanning and OCRing mail received for searching and data entry is old and well known.

26. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment benefits of Micciantuono, the practice of providing an OCR entry mechanism because this would have provided users with hearing impairments to access the system. Further because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

27. As per **claim 95**:

Micciantuono teaches the system of claim 80 further comprising a unified desktop that is configured to allow a worker to manage the unemployment insurance benefit data and the functional layer (see at least paragraph [0031])

28. Micciantuono does not teach unemployment insurance tax data, but it would have been obvious to include this data for at least the reasons provide in claim 80.

29. As per **claim 96**:

The system of claim 95, wherein the unified desktop enables the worker to manage the request for the unemployment insurance benefit by the claimant (see at

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least paragraph [0030]).

30. As per **claim 97**:

Micciantuono does not teach the system of claim 95, wherein the unified desktop enables the worker to manage the payment of the unemployment insurance tax by the employer.

31. However Official Notice is taken that it was old and well known at the time of the invention to have applications for managing payments of clients is old and well known. For example when calling a mortgage company the operator could look up in a system to see if a payment has been processed.

32. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment benefits of Micciantuono, the old and well known application for managing payments because this would have allowed for confirming payments received over the telephone. Further the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

33. As per **claim 98**:

Micciantuono does not teach the system of claim 95, wherein the unified desktop comprises one or more pop-up screens that provide information to the worker.

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34. However Official Notice is taken that it was old and well known at the time of the invention to provide one or more pop-up screens that provide information to a worker. For example Pop-up screens that alert users of an alert or system fault is extremely old and well known.

35. It would have been obvious to one of ordinary skill in the art to include in the system of Micciantuono, the Old and Well Known practice of providing pop-up screens because this method draws the user's attention to the message in the pop-up. Further the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

36. As per **claim 99**:

Micciantuono does not teach the system of claim 95, wherein the unified desktop comprises one or more predetermined scripts for use by the worker.

37. However Official Notice is taken that it was old and well known at the time of the invention to have scripts for performing tasks. For example, providing telephone operators with scripts for dialogs with a client.

38. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment benefits of Micciantuono, the old and well known application for providing scripts because this would have allowed for reminding operators to request information or offer a service. Further the claimed invention is

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merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

39. As per **claim 100**:

Micciantuono does not teach the system of claim 80, further comprising a web page interface configured to receive a web-based communication from a user.

40. However Box teaches a web page interface configured to receive a web-based communication from a user (see at least figures 4-5 and the Summary of the Invention and claim 21).

41. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Box because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

42. As per **claim 101**:

Box teaches the system of claim 100, wherein the web page interface is configured to send a web-based communication to a user (see at least column 7 lines

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15-38, column 29 lines 24-34).

43. Claims 102-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Box as applied to claim 80 above, and further in view of Neu et al., "Sending Your Government a Message" (hereinafter Neu, and already made of record).

44. As per **claim 102**:

Micciantuono does not teach the system of claim 100, wherein the web page interface comprises:

one or more web pages configured to enable the claimant to submit the request for the unemployment insurance benefit;

and one or more web pages configured to enable the employer to manage payment of the unemployment insurance tax.

45. However Neu teaches one or more web pages configured to enable the claimant to submit the request for the unemployment insurance benefit (see at least page 13);

46. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Neu because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.



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47. Further Box teaches one or more web pages configured to enable the employer to manage payment of the unemployment insurance tax (see at least column 36 lines 23-29).

48. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Box because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

49. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Micciantuono, GAO and Neu to obtain the invention as specified in claim 102.

50. As per **claim 103**:

Box teaches the system of claim 102, wherein the one or more web pages configured to enable the employer to manage payment of the unemployment insurance tax comprises:

at least one web page displaying the invoice that requests payment of the unemployment insurance tax due by the employer, and at least one web page configured to receive payment information from the employer for paying the invoice (see

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at least column 36 lines 23-29 and column 39 lines 46-67 and column 40 lines 6-36).

51. As per **claim 104**:

Box teaches the system of claim 103, wherein the payment information includes credit card information for paying the invoice (see column 39 lines 46-67 and column 40 lines 6-36).

52. Claims 105-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Box as applied to claim 80 above

53. As per **claim 105**:

Micciantuono teaches the system of **claim 80** further comprising a reporting layer that is configured to generate a report based on the unemployment insurance benefit data (see at least paragraph [0031])

54. Micciantuono does not teach unemployment insurance tax data, but it would have been obvious to include this data for at least the reasons provide in claim 80.

55. As per **claim 106**:

The system of claim 105, wherein the report comprises at least one of an employer balance due report, an employer monthly benefits charge statement, an employer determination of benefits report, a claimant claim history report, a claimant job referral report, a performance metrics report, a notice (see at least paragraph [0031]), an identification of claimant discrepancy report, and an identification of agency

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discrepancy report.

56. As per **claim 107**:

Micciantuono teaches the system of **claim 80** further comprising an external system interface configured to communicate with an external agency (see at least paragraph [0006]).

57. As per **claim 108**:

Micciantuono does not teach the system of claim 107, wherein the external agency includes at least one of the state unemployment insurance agency and the federal unemployment insurance agency.

58. However it would have been obvious for the external agency to be state unemployment insurance agency and the federal unemployment insurance agency because anyone capable of dialing a phone could be in contact with the prior art's system. Further more titles of third parties which do not further limit the structure of the claimed system do not limit the scope of the claims. Therefore these elements are not limiting and would have been obvious substitutions.

59. Claims 109-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO as applied to claim 80 above, and further in view of New York State Department of Taxation and Finance "Employer's Guide to Unemployment

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Insurance, Wage Reporting and Withholding Tax (hereinafter New York) published July 1999.

60. As per **claim 109**:

Micciantuono teaches the system of claim 80, wherein the functional layer is further configured to:

receive the request for the unemployment insurance benefit (see at least paragraph [0020]);

Micciantuono does not, however New York does teach sending a notification to the employer associated with the claimant indicating that the claimant is seeking the unemployment insurance benefit;

and receive a response from the employer to the notification (see at least "Benefit Payments" on page 9).

61. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment benefits of Micciantuono, the practice of requesting employment status as taught by New York, because this would prevent currently employed individuals from receiving unemployment benefits. Further because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

62. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Micciantuono, GAO and New York to obtain the invention as

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specified in claim 109.

63. As per **claim 110**:

Micciantuono teaches the system of claim 109, wherein the functional layer is further configured to update the unified database based on the response of a user (see at least paragraph [0037]).

64. New York teaches responses from the employer (see at least "Benefit Payments" on page 9).

65. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment benefits of Micciantuono, the practice of requesting employment status as taught by New York, because this would prevent currently employed individuals from receiving unemployment benefits. Further because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

66. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Micciantuono, GAO and New York to obtain the invention as specified in claim 110.

67. Claims 111-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Box as applied to claim 80 above

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68. As per **claim 111**:

Micciantuono teaches the system of claim 80, wherein the functional layer is further configured to issue the unemployment insurance benefit to the claimant if the claimant is eligible for the unemployment insurance benefit (see at least paragraphs [0008]-[0009]).

69. As per **claim 112**:

Micciantuono teaches the system of claim 111, wherein the functional layer is further configured to receive an update of the benefit status of the claimant (see at least paragraph [0007]).

70. As per **claim 113**:

Micciantuono teaches the system of claim 111, wherein the functional layer is further configured to evaluate whether to terminate the unemployment insurance benefit based on the updated benefit status of the claimant (see at least paragraphs [0029]-[0030]).

71. As per **claim 114**:

Micciantuono teaches the system of claim 80, wherein the functional layer being configured to evaluate the request comprises the functional layer being configured to:

access the updated unemployment status of the employer stored in the unified database (see at least paragraphs [0035]-[0037] and paragraph [0014]),

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72. Micciantuono does not teach determining based on the accessed updated unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and if the employer associated with the claimant is determined to be currently employing the claimant, deny the request as fraudulent based on a tax payment status of a second employer associated with the claimant.

73. However GAO teaches determining based on the accessed updated wages status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and if the employer associated with the claimant is determined to be currently employing the claimant, deny the request as fraudulent based on a tax payment status of a second employer associated with the claimant (see at least pages 14-16).

74. It would have been obvious to include in the system of for managing unemployment insurance benefit data taught by Micciantuono, the practice of identifying unemployment benefits as taught by GAO because this would have reduced overpayments of unemployment insurance benefits.

Micciantuono and GAO do not teach unemployment insurance tax payment status, however GAO does teach wage payment status. It would have been obvious to substitute unemployment insurance tax data for the wage payment data of GAO because the substitution of these well know elements would have had predictable results and would have been obvious to one of ordinary skill in the art at the time of the invention.

75. As per **claim 115**:

Micciantuono does not specifically teach the system of claim 80, wherein the functional layer being configured to receive information from the employer regarding employees of the employer includes the functional layer being configured to receive information about new employees of the employer.

76. However Micciantuono does teach keeping individual participant and client data updated electronically. It would have been obvious to include new employees in this update because this would have allowed for new customers to be entered into the insurance program.

77. As per **claim 116**:

Micciantuono teaches the system of claim 80, wherein the functional layer being configured to receive information from the employer regarding employees of the employer includes the functional layer being configured to receive wage information paid by the employer to the employees (see at least paragraph [0036]).

78. Claims 117-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Box.

79. As per **claim 117**:

A method for handling unemployment insurance, comprising:



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electronically providing a unified database containing unemployment insurance benefit data and unemployment insurance tax data, wherein the unemployment insurance benefit data comprises a benefit status of a claimant and the unemployment insurance tax data comprises an unemployment insurance tax payment status of an employer associated with the claimant;

receiving information from the employer regarding employees of the employer;

electronically calculating, using at least one computer processor, an unemployment insurance tax due by the employer to a federal or state government unemployment insurance agency;

communicating to the employer an invoice requesting payment of the unemployment insurance tax due by the employer;

receiving an indication that the unemployment insurance tax due has been paid;

electronically accessing the unemployment insurance tax payment status of the employer stored in the unified database;

updating the accessed unemployment insurance tax payment status of the employer based on the information received from the employer and to reflect payment of the unemployment insurance tax due;

electronically storing the updated unemployment insurance tax payment status in the unified database;

receiving a request for an unemployment insurance benefit by the claimant;

and electronically evaluating the request for the unemployment insurance benefit

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by the claimant based on the benefit status of the claimant and the updated unemployment insurance tax payment status of the employer.

80. This claim introduces no substantial limitation over that of claim 80 and is therefore rejected under a similar rationale.

81. As per **claim 118**:

The method of **claim 117** further comprising accessing the unified database using an access channel.

82. This claim introduces no substantial limitation over that of claim 91 and is therefore rejected under a similar rationale.

83. As per **claim 119**:

The method of claim 118, wherein accessing the unified database comprises receiving a telephone call through a telephone contact center.

84. This claim introduces no substantial limitation over that of claim 92 and is therefore rejected under a similar rationale.

85. As per **claim 120**:

The method of claim 118, wherein accessing the unified database comprises communicating with the unified database over a computer network using a web self-service center.

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86. This claim introduces no substantial limitation over that of claim 93 and is therefore rejected under a similar rationale.

87. As per **claim 121**:

The method of **claim 117** further comprising managing the unemployment insurance benefit data and the unemployment insurance tax data through a unified desktop.

88. This claim introduces no substantial limitation over that of claim 95 and is therefore rejected under a similar rationale.

89. As per **claim 122**:

The method of claim 121, wherein evaluating the request comprises evaluating the request through the unified desktop.

90. This claim introduces no substantial limitation over that of claim 96 and is therefore rejected under a similar rationale.

91. As per **claim 123**:

The method of **claim 121** further comprising managing payment of the unemployment insurance tax by the employer through the unified desktop.

92. This claim introduces no substantial limitation over that of claim 97 and is therefore rejected under a similar rationale.

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93. As per **claim 124**:

The method of **claim 121** further comprising providing information to a worker through one or more pop-up screens through the unified desktop.

94. This claim introduces no substantial limitation over that of claim 98 and is therefore rejected under a similar rationale.

95. As per **claim 125**:

The method of **claim 117** further comprising receiving a first web-based communication from a user through a web-based interface.

96. This claim introduces no substantial limitation over that of claim 100 and is therefore rejected under a similar rationale.

97. As per **claim 126**:

Micciantuono does not teach the method of claim 125, wherein the user is the claimant and receiving the first web-based communication comprises receiving the request for the unemployment insurance benefit from the claimant through the web-based interface.

98. However Neu teaches one or more web pages configured to enable the claimant to submit the request for the unemployment insurance benefit (see at least page 13);

99. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Neu because this would have saved staffing costs.

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Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

100. As per **claim 127**:

Micciantuono does not teach the method of claim 125, wherein the user is a user affiliated with the employer and receiving the first web-based communication comprises receiving payment information, through the web-based interface, for paying the unemployment insurance tax due from the user affiliated with the employer.

101. Further Box teaches one or more web pages configured to enable the employer to manage payment of the unemployment insurance tax (see at least column 36 lines 23-29).

102. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Box because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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103. As per **claims 128 and 129**:

Micciantuono does not teach, but Box teaches sending a second web-based communication to the user through the web-based interface, wherein the user is a user affiliated with the employer and sending the first web-based communication to the user through the web-based interface comprises sending, through the web-based interface, the invoice requesting payment of the unemployment insurance tax due by the employer (see at least column 36 lines 23-29 and column 39 lines 46-67 and column 40 lines 6-36).

104. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Box because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

105. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Micciantuono, GAO and Neu to obtain the invention as specified in claim 102.

106. Claims 130-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO, Box and Neu.

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107. As per **claim 130**:

Micciantuono does not teach the method of claim 117 further comprising providing:

one or more web pages configured to enable the claimant to submit the request for the unemployment insurance benefit;

and one or more web pages configured to enable the employer to manage payment of the unemployment insurance tax.

108. However Neu teaches one or more web pages configured to enable the claimant to submit the request for the unemployment insurance benefit (see at least page 13);

109. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Neu because this would have saved staffing costs. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

110. Further Box teaches one or more web pages configured to enable the employer to manage payment of the unemployment insurance tax (see at least column 36 lines 23-29).

111. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment insurance Micciantuono, the practice of providing an web based interface as taught by Box because this would have saved staffing costs.

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Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

112. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Micciantuono, GAO and Neu to obtain the invention as specified in claim 130

113. As per **claim 131**:

Box teaches the method of claim 130, wherein the one or more web pages configured to enable the employer to manage payment of the unemployment insurance tax comprises:

at least one web page displaying the invoice that requests payment of the unemployment insurance tax due by the employer, and

at least one web page configured to receive payment information from the employer for paying the invoice (see at least column 36 lines 23-29 and column 39 lines 46-67 and column 40 lines 6-36).

114. As per **claim 132**:

Box teaches the method of claim 131, wherein the payment information includes credit card information for paying the invoice (see column 39 lines 46-67 and column 40



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lines 6-36).

115. Claims 133-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Box.

116. As per **claim 133**:

Micciantuono teaches the method of claim 117 further comprising generating a report based on the unemployment insurance benefit data(see at least paragraph [0031]) and the unemployment insurance tax data.

117. Micciantuono does not teach unemployment insurance tax data, but it would have been obvious to include this data for at least the reasons provide in claim 80.

118. As per **claim 134**:

The method of claim 133, wherein the report includes at least one of an employer balance due report, an employer monthly benefits charge statement, an employer determination of benefits report, a claimant claim history report, a claimant job referral report, a performance metrics report, a notice (see at least paragraph [0031]), an identification of claimant discrepancy report, and an identification of agency discrepancy report.

119. As per **claim 135**:

The method of **claim 117** further comprising communicating with an external

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agency through an external system interface (see at least [0006]).

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120. As per **claim 136**:

Micciantuono does not teach the method of claim 135, wherein the external agency includes at least one of the state unemployment insurance agency and the federal unemployment insurance agency.

121. However it would have been obvious for the external agency to be state unemployment insurance agency and the federal unemployment insurance agency because anyone capable of dialing a phone could be in contact with the prior art's system. Further more titles of third parties which do not further limit the action steps of the claimed method do not limit the scope of the claims. Therefore these elements are not limiting and would have been obvious substitutions.

122. Claims 137-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO, Box and New York.

123. As per **claim 137**:

The method of **claim 117** further comprising:

- receiving the request for the unemployment insurance benefit;
- sending a notification to the employer associated with the claimant indicating that the claimant is seeking the unemployment insurance benefit;
- and receiving a response from the employer to the notification.

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124. This claim introduces no substantial limitation over that of claim 109 and is therefore rejected under a similar rationale.

125. As per **claim 138**:

The method of **claim 137** further comprising updating the unified database based on the response from the employer.

126. This claim introduces no substantial limitation over that of claim 110 and is therefore rejected under a similar rationale.

127. Claims 139-146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Box.

128. As per **claim 139**:

The method of **claim 117** further comprising issuing the unemployment insurance benefit to the claimant if the claimant is eligible for the unemployment insurance benefit.

129. This claim introduces no substantial limitation over that of claim 111 and is therefore rejected under a similar rationale.

130. As per **claim 140**:

The method of **claim 139** further comprising receiving an update of the benefit status of the claimant.

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131. This claim introduces no substantial limitation over that of claim 112 and is therefore rejected under a similar rationale.

132. As per **claim 141**:

The method of **claim 140** further comprising evaluating whether to terminate the unemployment insurance benefit based on the updated benefit status of the claimant.

133. This claim introduces no substantial limitation over that of claim 113 and is therefore rejected under a similar rationale.

134. As per **claim 142**:

The method of claim 117, wherein evaluating the request comprises:

accessing the updated unemployment insurance tax payment status of the employer stored in the unified database, determining, based on the accessed updated unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and if the employer associated with the claimant is determined to be currently employing the claimant, deny the request as fraudulent.

135. This claim introduces no substantial limitation over that of claim 114 and is therefore rejected under a similar rationale.

136. As per **claim 143**:

Micciantuono does not teach the method of **claim 117** further comprising

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notifying the employer of a delinquent payment of unemployment insurance tax due to the federal or the state government unemployment insurance agency.

137. However Official Notice is taken that it was old and well known at the time of the invention to send a past due notice. For example past due notices often are sent after a bill is due.

138. It would have been obvious to one of ordinary skill in the art to include in the practice of managing an unemployment benefits of Micciantuono, the practice of sending past due notices as was old and well known because this would have enabled collection of past due amounts. Further because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

139. As per **claim 144**:

Micciantuono does not teach the method of **claim 117** further comprising notifying the claimant of an unemployment insurance benefit overpayment.

140. However Official Notice is taken that it was old and well known at the time of the invention to send an overpayment notice. For example overpayment notices often are sent after a mistake caused overpayment.

141. It would have been obvious to one of ordinary skill in the art to include in the practice of managing unemployment benefits of Micciantuono, the practice of sending overpayment notices as was old and well known because this would have enabled

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collection of overpaid amounts. Further because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

142. As per **claim 145**:

The method of claim 117, wherein receiving information from the employer regarding employees of the employer includes receiving information about new employees of the employer.

143. This claim introduces no substantial limitation over that of claim 115 and is therefore rejected under a similar rationale.

144. As per **claim 146**:

The method of claim 117, wherein receiving information from the employer regarding employees of the employer includes receiving wage information paid by the employer to the employees.

145. This claim introduces no substantial limitation over that of claim 117 and is therefore rejected under a similar rationale.

146. Claims 139-146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micciantuono in view of GAO and Box as applied to claim 80 above.

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147. As per **claim 147**:

A system for handling unemployment insurance comprising:

unemployment insurance benefit data comprising a benefit status of a claimant;

unemployment insurance tax data comprising an unemployment insurance tax payment status of an employer associated with the claimant;

and a unified desktop that is configured to:

receive information from the employer regarding employees of the employer;

calculate an unemployment insurance tax due by the employer to a federal or state government unemployment insurance agency based on the received information from the employer,

communicate to the employer an invoice requesting payment of the unemployment insurance tax due by the employer,

receive an indication that the unemployment insurance tax due has been paid,

access the unemployment insurance tax payment status of the employer,

update the accessed unemployment insurance tax payment status of the employer based on the information received from the employer and to reflect payment of the unemployment insurance tax due,

receive a request for an unemployment insurance benefit by the claimant, and

evaluate the request for the unemployment insurance benefit by the claimant based on the benefit status of the claimant and the updated unemployment insurance tax payment status of the employer.

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This claim introduces no substantial limitation over that of claim 117 and is therefore rejected under a similar rationale.

148. As per **claim 148**:

The system of claim 147, wherein the unified desktop comprises a web-based interface configured to provide:

one or more web pages that receive the information from the employer regarding employees of the employer

one or more web pages that display the invoice requesting payment of the unemployment insurance tax due by the employer;

one or more web pages that receive payment information for payment of the unemployment insurance tax due by the employer;

and one or more web pages with which the claimant can interact to electronically submit the request for the unemployment insurance benefit.

149. This claim introduces no substantial limitation over that of claim 103 and is therefore rejected under a similar rationale.

### ***Response to Arguments***

Applicant's arguments with respect to claims 80, 90-148 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. DONLON whose telephone number is (571)270-3602. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/R. D. D./  
Examiner, Art Unit 3695  
April 13, 2010

/Charles R. Kyle/  
Supervisory Patent Examiner, Art Unit 3695